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In re application of : DECISION  
Shimek et al. : DISMISSING  
Serial No. 10/620,038 : PETITION  
Filed: July 15, 2003  
For: Soft Dried Marshmallow and Method of Preparation

This is a decision on the PETITION TO WITHDRAW PREMATURE FINAL REJECTION filed April 5, 2007.

The petition requests that the finality of the Office action mailed February 22, 2007 be withdrawn. On April 24, 2007, the examiner issued a new, non-final Office action which withdrew the finality of the prior action.

As the examiner has already properly granted the requested relief, the instant petition is **DISMISSED** as moot.

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